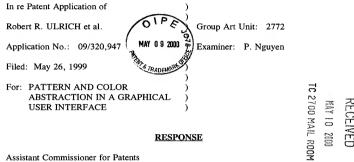
## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Assistant Commissioner for Patents Washington, D.C. 20231

Sir:

In complete response to the Office Action dated February 17, 2000, favorable consideration and allowance of the subject application are respectfully requested. Claims 15-29 are currently pending.

Claims 15-29 stand rejected under the judicially created doctrine of double patenting over claims 1-5 of U.S. Patent No. 5,963,206. In Paragraph 2 of the Office Action, it is asserted that this rejection is a statutory type double patenting rejection. This rejection is respectfully traversed. Applicants respectfully submit that this rejection is improper.

A statutory double patenting rejection of a claim requires that the claims in the patent and claims in the application be drawn to <u>identical</u> subject matter. Clearly, claims 15-29 of this application and claims 1-5 of U.S. Patent No. 5,963,206 are not drawn to identical subject matter.

Moreover, the <u>judicially</u> created doctrine of double patenting, by its very nature, is <u>not</u> a statutory type double patenting rejection. MPEP § 804(2) clearly states that circumstances where a **nonstatutory** double patenting rejection is applicable are illustrated by the facts before the court in <u>In re Schneller</u>, 397 F.2d 350, 158 USPQ 210 (CCPA 1968), which case was cited